



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: Tuesday, May 03, 2022

File No: ACU-22-003

Proposal: Request for an Alteration of a Non-Conforming Use (Addition of a Trade School for Alternative Youth Activities)

Applicant(s): Alternative Youth Activities
575 S Main Street
Coos Bay, OR 97420

Staff Planner: Crystal Orr, Planner I

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 12 p.m. on **Monday, May 23, 2022**. Appeals are based on the applicable land use criteria. The proposal is subject to the following criteria: Alteration of a Non-conforming use in the Forest Zone pursuant to Coos County Zoning and Land Development (CCZLDO) § Article 5.6 Nonconforming. This proposal is not subject to review under Natural Hazards. **Civil matters including property or road disputes are outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.**

Subject Property Information

Account Number: 7803600, 7803700, 7803800, 7803900
Map Number: 26S1402CD-01901, 26S1402CD-01902, 26S1402CD-01903,
26S1402CD-01904

Property Owner: FALL, RYAN L. & TRACINE A.
PO BOX 696
ELKTON, OR 97436-0696

Situs Address: 64065 SEVEN DEVILS RD COOS BAY, OR 97420

Acreage: 0.64 Acres, 0.67 Acres, 1.14 Acres, 1.03 Acres

Zoning: URBAN RESIDENTIAL-2 (UR-2)

Special Development Considerations and overlays: ARCHAEOLOGICAL AREAS OF INTEREST (ARC)
URBAN UNINCORPORATED COMMUNITY (UUC)

This notice shall be posted from May 6, 2022 to May 23, 2022

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions can be found at the following link:

<https://www.co.coos.or.us/planning/page/applications-2022>

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: *Crystal Orr* Date: Friday, May 06, 2022 .

Crystal Orr, Planner I

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map& Template Map

The Exhibits below are mailed/emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following website:

<https://www.co.coos.or.us/planning/page/acu-22-003-aya>. or by contacting the Planning Department at (541) 396-7770.

Exhibit C: Staff Report -**Findings of Fact and Conclusions**

All comments and the application can be found on file with the Planning Department.

EXHIBIT "A"

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

CONDITIONS OF APPROVAL

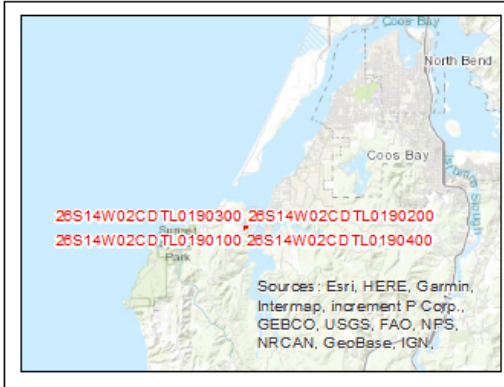
1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. The tax lots need to be consolidated into one through the Assessor's Office to conform with the prior approval.
3. Special events shall only allow for up to 100 people and be limited to four (4) events in a year not lasting more than 24 hours per event. The applicant shall coordinate with the County Road Department and ODOT regarding any special traffic control that may be required to accommodate the event.
4. An access driveway parking plan application shall be submitted with the appropriate fee. The parking and access must be signed off before staff can issue a Zoning Clearance Letter.
5. Building permits shall be obtained for any structural, electrical, plumbing and mechanical modifications. Proof of an occupancy permit for the school and dwelling units shall be supplied to the department as the final step in the permitting process.

EXHIBIT "B"
Vicinity Map

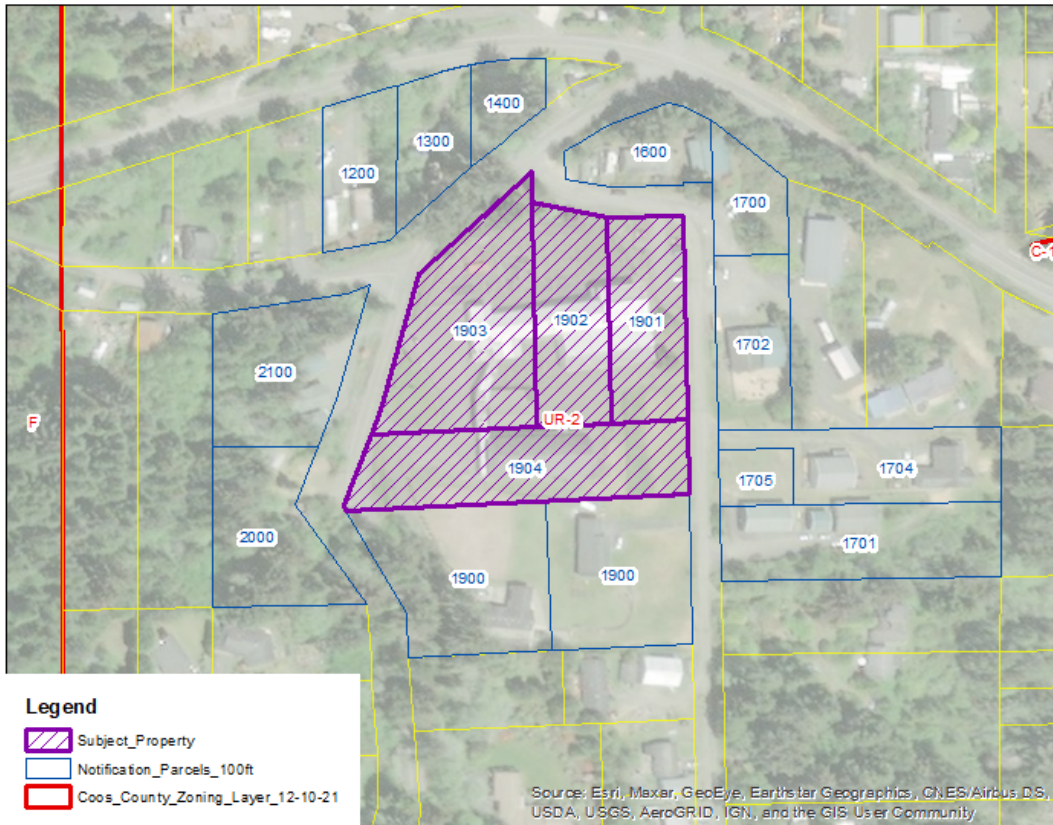


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423
Physical Address: 60 E. Second, Coquille Oregon
Phone: (541) 396-7770
TDD (800) 735-2900



File: ACU-22-003
Applicant/Owner: Alternative Youth Activities
Ryan & Tracine Fall
Date: March 31, 2022
Location: Township 26S Range 14W
Section CD TL 1901, 1902, 1903, 1904
Proposal: Administrative Conditional Use



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** The applicant is requesting to alter a nonconforming use. The nonconforming use in this case is a Planned Unit Development (PUD) that allowed for Multi-Family Dwelling Units.

The current request is to alter the lawful non-conforming use of a PUD Multi-Family Dwelling Units to allow a Trade School.

- B. COMPLIANCE PURSUANT TO SECTION 1.1.300:** It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Staff has reviewed the property history and county files to determine that at this time the property is This application will bring the property into compliance.

II. BASIC FINDINGS:

- A. LOCATION:** The subject property is located southwest of the City of Coos Bay off of Seven Devils Road. The property has a situs address of 64065 Seven Devils Road, Coos Bay, OR 97420.

- B. ZONING:** - This property is zoned Urban Residential-2.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.100 RESIDENTIAL

Urban Residential (UR)

There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M). The intent of the Urban Residential Districts is to include conventional, urban density housing (single family/multi-family) plus cluster housing and planned unit developments.

The purpose of the “UR-1” district is to provide for urban residential areas that are exclusively limited to conventional single-family dwellings. Detached conventional single-family dwellings clustered in planned unit developments are consistent with the objectives of the “UR-1” district.

This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

The purpose of the “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two-family dwellings. Clustered planned unit developments, including multi-family dwellings, are

consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

The purpose of the “UR-M” district is to provide for high density urban residential areas necessary to accommodate opportunities for the construction of multiple-family dwellings, primarily necessary to meet the needs of low- and moderate-income families. The “UR-M” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does have special development considerations and overlays, but no structural development is being proposed. Therefore, additional review was not required.

D. SITE DESCRIPTION AND SURROUNDING USES: The subject property is zoned Urban Residential-2 (UR-2) and contains approximately 3.48 acres in total. This property is located southwest of the City of Coos Bay within the Urban Unincorporated Community of Charleston. The property is accessed via Seven Devils Road.

E. COMMENTS:

- i. PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision.
- ii. PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- iii. LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision.

F. LAWFULLY CREATED UNIT OF LAND: The unit of land was created pursuant to 6.1.125.1.b through a prior land use decision. In 2004 it was determined to be a lawfully created unit of land; the current configuration was achieved through a Planned Unit Development (PC-04-02).

III. STAFF FINDINGS AND CONCLUSIONS:

a. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The applicant is requesting to alter a nonconforming use in order to use a Planned Community as Trade School with zone pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO)§ Article 5.6 Nonconforming.

b. KEY DEFINITIONS:

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

c. CRITERIA AND STANDARDS

• ARTICLE 5.6 NONCONFORMING

○ SECTION 5.6.100 NONCONFORMING USES:

The lawful use of any building, structure or land at the time of the enactment or amendment of this zoning ordinance may be continued. Alteration of any such use may be permitted subject to Sections 5.6.120 and 5.6.125. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this Section when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

As used in this Section, alteration of a nonconforming use includes:

- 1. A change in the use of no greater adverse impact to the neighborhood; and*
- 2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.*

○ SECTION 5.6.110 INTERRUPTION OR ABANDONMENT OF NONCONFORMING USES:

A non-conforming use or activity may not be resumed if it was subject to interruption or abandonment for more than one (1) year unless the resumed use conforms to the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

FINDING: There have been no reports or evidence to indicate there has been an interruption or abandonment of the multi-family dwelling units for more than one (1) year.

○ **SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:**

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)- (8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

FINDING: This review is a conditional use request and is consistent with ORS 215.130. Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. This request is not an alteration of a use to comply with safety or maintain in good repair for the existing structures. Therefore, this criterion does not apply.

○ **SECTION 5.6.125 CRITERIA FOR DECISION:**

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

- 1. The change in the use will be of no greater adverse impact to the neighborhood;*
- 2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and*
- 3. Other provisions of this ordinance, such as property development standards, are met.*

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

FINDING: The request is to alter the legal nonconforming multi-family residential use (Planned Community/Unit Development) to allow an additional use of a school. This property was approved for a Planned Unit Development in 2004 but since that time the standards have changed and the use no longer conforms to the current standards; therefore, this is considered a legal nonconforming use. The applicant has proposed to alter the current use to include a trade school and change the residency type to allow for staff and student housing that may include a rental agreement. A Planned Unit Development is similar in nature to a condominium in which the individual units are owned by different owners and the common area is controlled by a homeowner's association.

This property contained a school, Charleston School, that operated until it was closed sometime in the late 1990's and then sold in the early 2000's. The applicant did not provide the level of use the school operated but in 2003 an application for the Planned Unit Development to convert the classrooms to residential unit. Currently, there are ten (10) units on site.

The property is surround by roads on the north (Seven Devils and Sunrise Road), west (Seven Devils) and eastern (Sunrise Road) boundary of the property. To the south are two dwellings. Within the notification area of 100 feet the applicant has identified an existing school (Head Start) This property historically was used as a school (Charleston School), apartment complex and hosted community events on site. The property is a total of 3.48 acres and has three buildings, paved and

gravel road system and parking with a small portion (approximately 14%) covered with grass and trees. The property is accessed from Seven Devils Road which is public developed highway that serves the area. The property is served by public water and sewer.

The applicant is using the prior Charleston School as justification for impacts study but the criteria requires that County analyze what the existing nonconforming use and how the alteration of the nonconforming use will change and if that will have an adverse effect on the neighborhood. Staff does agree that there will be limited changes in structure or physical improvements to the property, and that these changes will not result in a greater adverse impact to the neighborhood but the use proposed will increase from ten (10) residential units to fourteen (14) and the gymnasium is the proposed area for the trade school.

The proposal will continue to have (10) units and has requested an additional (4) four units for a total of 14 units on site. The units will be offered to students and staff to live on site. The school will be a small scale with the anticipation of having 10-20 students on site. Including staffing, students, and residence the anticipated level of people on the property is less than 50. There may be some events associated with the school that will allow additional people to be on site and in order to reduce any impacts the events shall only allow a maximum of 100 people and be limited to four (4) events in a calendar year. No special event shall last more than 24 hours per event. This will limit any anticipated impacts to the neighbor regarding traffic and nuisance issues given this is in an Urban Residential Zone and the school is not directly serving the residence only of the area. The trade school is proposed in the gymnasium and the housing for students and staff is in the remainder of the school area. The alteration will not change the exterior of the structure but any alteration will take place internally to accommodate the dwelling units and classrooms needed for the trade school. This will also limit any impact to the neighborhood.

The applicant stated that the property has ample parking for the dwelling units and the trade school; however, a matter of safety current parking and traffic circulation needs to be addressed as part of the development standards.

Given the fact that staff has addressed impacts regarding the increase use of the property by including appropriate limits on traffic and volume of people on site for larger events. The applicant has address all physical improvements will be interior and will be minor compared to the development that is on site. Therefore, Staff finds that the alteration of the nonconforming use to allow the trade school with limited housing for students and staff will not cause a greater adverse impact to the neighborhood with the conditions in place.

VI. DECISION:

There is evidence to adequately address the criteria for an alteration of the nonconforming use, therefore, this request has been approved. There are conditions that apply to this use that can be found at Exhibit "A".

VII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties and the following agencies, special district or parties:

DLCD
Charleston Rural Fire Protection District
Coos Bay North Bend Water Board

Planning Commission
Board of Commissioner



Coos County Land Use Permit Application
 SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
 TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: ACU-22-003

Date Received: 2/4/22 Receipt #: NON Profit no fee Received by: MB

This application shall be filled out electronically. If you need assistance please contact staff.
 If the fee is not included the application will not be processed.
 (If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Ryan & Tracine Fall

Mailing address: PO Box 696, Elkton, OR 97436
 Phone: _____ Email: rtfall@me.com

Township:	Range:	Section:	¼ Section:	1/16 Section:	Tax lots:
<u>26S</u>	<u>14W</u>	<u>2</u>	<u>Select</u>	<u>Select</u>	<u>1900</u>
<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	<u>Select</u>	

Tax Account Number(s): 7803600,7803700 Zone: Select Zone Urban Residential-2 (UR-2)
 Tax Account Number(s) 7803800,7803900 Urban Residential-2 (UR-2)

B. Applicant(s) Alternative Youth Activities

Mailing address: 575 S Main Street, Coos Bay, OR 97420
 Phone: 541-888-2432

C. Consultant or Agent: _____

Mailing Address _____
 Phone #: _____ Email: _____

Type of Application Requested

- | | | |
|--|---|---|
| <input type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Administrative Conditional Use Review - ACU | <input type="checkbox"/> Land Division - P, SUB or PUD |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Hearings Body Conditional Use Review - HBCU | <input type="checkbox"/> Family/Medical Hardship Dwelling |
| <input type="checkbox"/> Map - Rezone | <input type="checkbox"/> Variance - V | <input type="checkbox"/> Home Occupation/Cottage Industry |

Special Districts and Services

Water Service Type: Coos Bay - North Bend Water Board Sewage Disposal Type: Charleston Sanitation
 School District: Coos Bay Fire District: Charleston RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

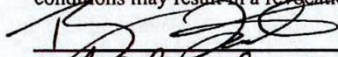
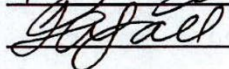
- D. ATTACHED WRITTEN STATEMENT. With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable)
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is referred directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit.

 1/21/22 Ryan Fall
 1/21/22 Tracine Ann Fall

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 64065 Seven Devils Road

Type of Access: County Road Name of Access: Seven Devils Road

Is this property in the Urban Growth Boundary? No
Is a new road created as part of this request? No

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance (CCZLDO) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

Section D

ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

In a written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:

- The old Charleston Elementary school planned community (lots # 1901,1902, 1903,1904) filed and recorded on November 22, 2014 volume 13 page 31 of CABC\420 bearing microfilm real number 2004-16729 of Coos County Oregon, consisting of approximately 3.4 acres, containing three buildings of approximate 38,500 of covered space. The main building has 12 units of "planned community" and some open space (cafeteria, etc.) that has been and will continue to be used for community events such as the Charleston Crab Feed, and Octoberfish. This building is also the FEMA appointed evacuation site and will remain as such. No structural changes, such as new buildings or load bearing walls are currently being discussed for alterations. Of the three buildings only two would need to be considered for (article 5.6 non-conforming; section 5.6.100 nonconforming uses) specifically 1. *A change in the use of no greater adverse impact the neighborhood:*

- AYA (Alternative Youth Activities) intends to use the old Charleston school facility in its current state without any structural changes. The main facility and its classrooms were converted into studio apartments, with ample parking and AYA plans to continue to use that portion for housing. The building which was considered the old library will be used for instructional purposes (classrooms). The wide open space of the gymnasium will house a cabinetry shop for both AYA students and community members through the Oregon Coast Artisan & Trade Education Collective. We have spoken directly with many of the neighbors (see attached signatures) who seem to be excited and positive about the buildings being maintained and used again.

1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.

2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.

3. A complete description of the request, including any new structures proposed.

· **N/A No new structure is our plan for the property at this time.**

4. If applicable, documentation from sewer and water district showing availability for connection.

· **N/A no changes to existing sewer and water is needed.**

A plot plan (map) of the property. Please indicate the following on your plot plan.

· Attachment #1

1. Location of all existing and proposed buildings and structures

· See attachment #1

2. Existing County Road, public right-of-way or other means of legal access

· See attachment #2

3. Location of any existing septic systems and designated repair areas

· **All buildings are tied into the Charleston sewer and water district.**

4. Limits of 100-year floodplain elevation (if applicable)

· Building I will continue to be the FEMA tsunami emergency evacuation site.

See attachment #3

5. Vegetation on the property

· **No change in vegetation on the property.**

6. Location of any outstanding physical features

· **No outstanding physical features.**

7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location

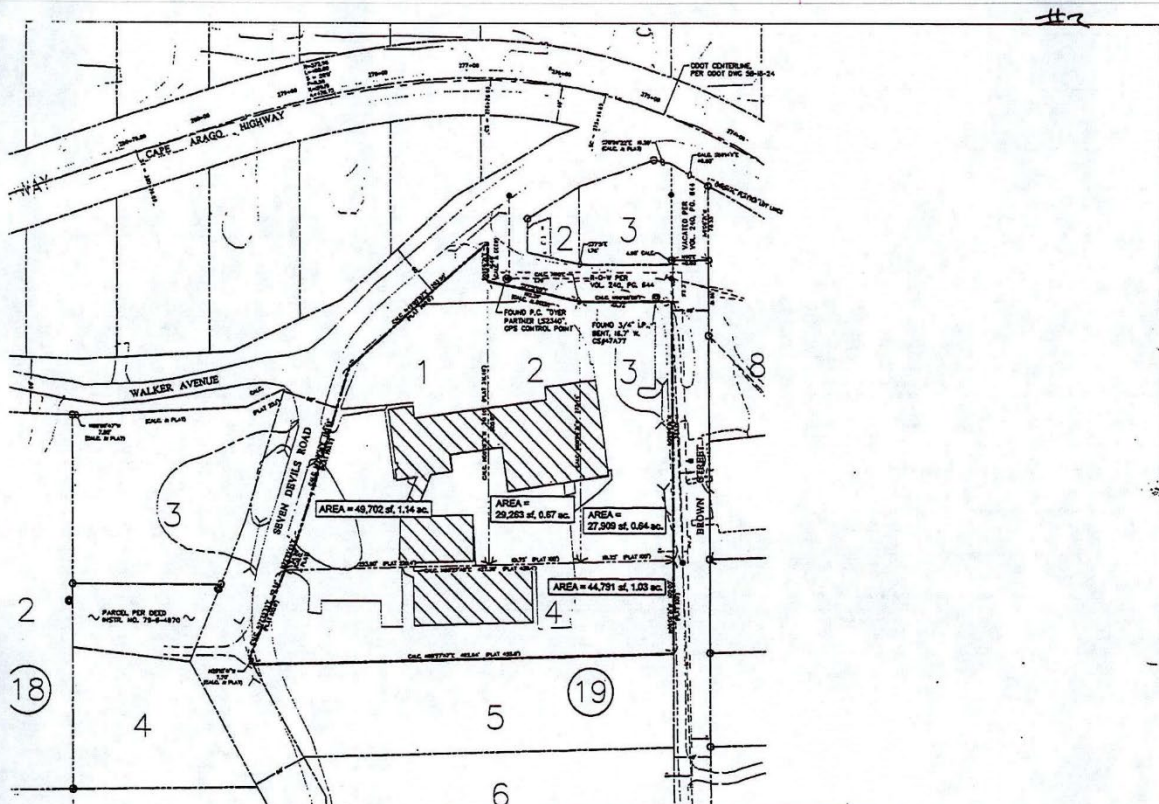
· With the exception of two paved parking areas (see attachment #1) all access roads remain the same. See attachment #1

A copy of the current deed, including the legal description, of the subject property.

Copies may be obtained at the Coos County Clerk's Office.



NY



THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.
 1231 TEAKWOOD AVE.
 COOS BAY, OREGON 97008
 TELEPHONE: (541) 388-0722



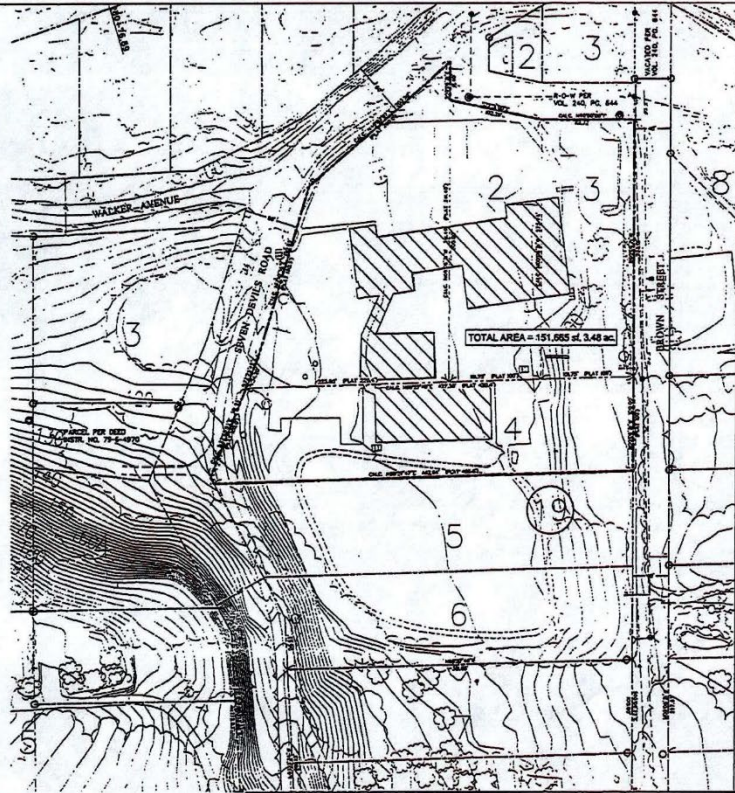
TENTATIVE PLAT
 FOR SCHOOL DISTRICT NO. 9
 CHARLESTON GRADE SCHOOL

PROJECT NO. 0900.09	DRAWING NO. S2-A
DATE SEPT., 2004	SHEET NO. 1 OF 2

1" = 60'

LINE IS 2 INCHES
 AT FULL SCALE
 IF NOT OTHERWISE INDICATED

#23



Location

Block 19, of the Plat of Charleston is located in the Southeast 1/4 of the Southwest 1/4 of Section 2, Township 28S, Range 14W of the Willamette Meridian.

Applicant

Ryan & Tracy Fall
1710 N. 28th Ct.
Coox Bay, OR 97420
(Ph. 541-269-0999)

Owner

School District No. 9
1255 Hemlock Avenue
Coox Bay, OR 97420
Contact: Rod Davidson (Ph. 541-267-1317)

Surveyor

The Dyer Partnership Engineers & Planners, Inc.
1330 Teakwood Avenue
Coox Bay, OR 97420
Contact: Michael Erickson, PLS (Ph. 541-269-0732)

Water Supply

Water is currently provided by the Coox Bay - North Bend Water Board.

Sewer Service

Sewer service is currently provided by the Charleston Sanitary District.

Electric Service

Electric is currently provided by Pacific Power.

Telephone Service

Telephone is currently provided by Verizon.

Subject Property Setbacks

Front setback - 30 feet from property line.
Side setback - 5 feet unless a corner lot then it would be 15 feet from property line.
Rear setback - 5 feet from property line.

Zoning

Urban-Residential-2

THE DYER PARTNERSHIP ENGINEERS & PLANNERS, INC.
1330 TEAKWOOD AVE.
COOX BAY, OREGON 97420
TELEPHONE: (541) 269-0732



BASE MAP
FOR SCHOOL DISTRICT NO. 9

CHARLESTON GRADE SCHOOL

PROJECT NO.	DRAWING NO.
080209	S2-B
DATE	SHEET NO.
SEPT., 2004	2 OF 2

1" = 50'

LINE IS 2 INCHES AT FULL SCALE IF NOT 2" - SCALE ACCORDINGLY

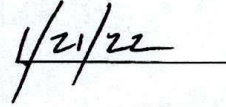
January 20, 2022

I, Ryan Falls, give my permission as the owner/landlord of the property located at 64065 Seven Devils Road, Coos Bay OR 97420 to Scott Cooper, Executive Director for Alternative Youth Activities to perform any and all repairs/remodel, or modification deemed necessary to said property.

I, Ryan Falls give exclusive authority to Scott Cooper, Executive Director Alternative Youth Activities, to sign any and all documents pertaining to permits, and/or zoning for 64065 Seven Devils Road, Charleston, OR 97420

A handwritten signature in black ink, appearing to read "Ryan Falls", written over a horizontal line.

Ryan Falls , Signature

A handwritten date "1/21/22" in black ink, written over a horizontal line.

Date

The signed copy of this agreement
is at Ticor Title

After Recording, Return To:

Alternative Youth Activities, Inc.
575 South Main Street
Coos Bay, OR 97436
Attn: Scott Cooper, Executive Director

MEMORANDUM OF LEASE AND OPTION TO PURCHASE

This Memorandum of Lease and Option to Purchase (this "**Memorandum**") is dated June 15, 2021, by and between Ryan Fall and Tracine Fall, husband and wife (jointly and severally, "**Landlord**"), and Alternative Youth Activities, Inc., an Oregon nonprofit corporation ("**Tenant**").

RECITALS

- A. Landlord and Tenant entered into that Lease and Option to Purchase dated June 15, 2021 (the "**Lease**") with respect to the real property described on attached Exhibit A (the "**Property**").
- B. Landlord and Tenant desire to record this Memorandum to put third parties on notice of certain terms contained in the Lease.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

- 1. Defined Terms.** All capitalized terms not otherwise defined herein have the meaning ascribed in the Lease.
- 2. Lease Term.** The Term of the Lease commences on July 1 and expires no later than August 1, 2023 unless extended by mutual agreement.

3. **Option to Purchase.** Tenant has an option to purchase the Property during the Term of the Lease pursuant to the terms and conditions set forth in the Lease.

4. **General.**

(a) This Memorandum will be construed in accordance with the laws of the State of Oregon.

(b) This Memorandum may be executed in several counterparts and all so executed will constitute one agreement binding on all parties hereto, notwithstanding that all the parties have not signed the original or the same counterpart.

(c) This Memorandum may be amended only by a written instrument executed in one or more counterparts by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date first set forth above.

LANDLORD:

Ryan Fall

Tracine Fall

TENANT:

Alternative Youth Activities, Inc., an
Oregon nonprofit corporation

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me this ____ day of June, 2021, by Ryan Fall.

/s/ _____
Notary Public for Oregon
My commission expires: _____

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me this ____ day of June, 2021, by Tracine Fall.

/s/ _____
Notary Public for Oregon
My commission expires: _____

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me this ____ day of June, 2021, by _____, the _____ of Alternative Youth Activities, Inc., an Oregon nonprofit corporation, on its behalf.

/s/ _____
Notary Public for Oregon
My commission expires: _____

EXHIBIT A
Property

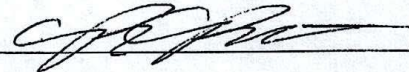
All the real property in Coos County, Oregon, conveyed to Landlord by Warranty Deed from Coos Bay School District 9, as Grantor, and Landlord as Grantee, recorded November 23, 2004, as Instrument #2004-16845, and re-recorded December 16, 2004, as Instrument #2004-18008, records of Coos County, Oregon.



ALTERNATIVE YOUTH ACTIVITIES, INC.
 ADMINISTRATIVE OFFICE, 575 S. MAIN ST., COOS BAY, OR 97420
 (541) 888-2432


ayaeducate1@gmail.com

Congratulations to Alternative Youth Activities for their forward thinking. We, the undersigned, are excited by Alternative Youth Activities (AYA) plans to return the Old Charleston School, located at 64065 Seven Devils Road, to a functioning learning facility with housing included. Students will be receiving their GEDs and learning valuable skills in the trades before entering into the workforce. This will enable them to work at living wage jobs.

Name: ADAM BRANDT 

Address: 64062 SEVEN DEVILS ROAD

Name: Lee Robertson

Address:  63258 Sunrise rd

Name: Khalic Adams

Address: 63228 Sunrise Rd

Name: _____

Address: _____



ALTERNATIVE YOUTH ACTIVITIES, INC.
ADMINISTRATIVE OFFICE, 575 S. MAIN ST., COOS BAY, OR 97420
(541) 888-2432

ayaeducate1@gmail.com

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We, the undersigned, are excited by Alternative Youth Activities (AYA) plans to return the Old Charleston School, located at 64065 Seven Devils Road, to a functioning learning facility with housing included. Students will be receiving their GEDs and learning valuable skills in the trades before entering into the workforce. This will enable them to work at living wage jobs.

Name: Dave + Kay Tockey

Address: 63313 Sunrise Rd Charleston Or 97420

Name: Jack Kirby

Address: 63305 Sunrise Rd. Charleston

Name: GARY & JERRETTE JOHNSON

Address: 63267 Sunrise Rd Charleston Oregon 97420

Name: _____

Address: _____



- The main entrance (Green Area Off Seven Devils) is where the non-profit trades activity will take place. We attached signatures from all the neighbors that are excited to see something happening with that part of the building which has not been used for some time now.
- The area that was converted to apartments (Red Area Off Sunrise Rd) will remain apartments.
- Once the zoning is complete we can work with the planning department to finish up the classrooms in the trades area (Green Area Off Seven Devils) that have not been converted yet to bring on additional housing.

Here are a few questions that may help with addressing the criteria:

“how many apartments are currently within the main facility, how many people could it currently house”

The current Facility has 10 apartments that have been converted

“how many young adults will the main facility potentially house”

We do not plan on having any "dorms" but can potentially (the planning department will help direct us) bring on an additional 2-4 apartments.

“do you anticipate that every young adult housed within the facility will have a vehicle parked”

We have ample parking for each apartment to have vehicles and an additional 20-40 spaces remaining for public parking.

"how many students at one time will be on campus"

We do not anticipate more than 10-20 students in our program at a time.

"what kind of rules/regulations will you have in place for the trade school/housing to not cause a greater impact"

The school will be run like our other facilities or a traditional school,

"how many community events per year are you proposing"

After speaking with the community event coordinator and the public we have decided not to move forward with any events

"approximately how many people will attend these events"

The decision to not have events was made because the new venue area has been working supporting our community was always our goal.

"where will the patrons of the event park"

The paved parking area is over a half of an acre so it wasn't a problem but again we do not plan on having the events

"will there be security during the events" Please note: this proposal is within a residential zoning district.

We no longer plan on having events but they did have them there for years, it was a school, and there still exists a head start facility across the road.

The events that were held here years ago are now being held successfully at other locations. and will continue to be held at the new locations. We were informed that this location is designated as an evacuation site .

On Wed, Apr 20, 2022 at 11:25 AM Crystal Orr <corr@co.coos.or.us> wrote:

Hello,

I am the Planner who is reviewing your Conditional Use (ACU-22-003). I am drafting the staff report, but am having trouble addressing the relevant criteria for the nonconforming use. I personally agree that it would benefit children in our area to have a trade school, but I cannot use that as justification that the change in use will be of no greater adverse impact to the neighborhood. Can you please send me further information to address the below criteria(see bold)? Generally when addressing adverse impacts an applicant explains what the property is currently being used for and then describes how the new use will cause no greater impact. Also, within your application you stated that "the main building has 12 units of "planned community" and some open space that has been and will continue to be used

for community events such as the Charleston Crab feed, and Octoberfish". This is not a permitted use for this property, it was never approved. Community Events is not allowed within the Urban Residential zoning district. Since you are applying for a nonconforming use you can certainly apply to have community events in conjunction with the school. In order to apply for the community events you will need to address how often the trade school will host a community event and address the greater impact to the neighborhood questions.

Do you happen to have a detailed project plan you can provide?

Here are a few questions that may help with addressing the criteria:

"how many apartments are currently within the main facility, how many people could it currently house"

"how many young adults will the main facility potentially house"

"do you anticipate that every young adult housed within the facility will have a vehicle parked"

"how many students at one time will be on campus"

"what kind of rules/regulations will you have in place for the trade school/housing to not cause a greater impact"

"how many community events per year are you proposing"

"approximately how many people will attend these events"

"where will the patrons of the event park"

"will there be security during the events" Please note: this proposal is within a residential zoning district.

Section 5.6.125 Criteria for Decision

1.A change in the use of no greater adverse impact to the neighborhood

Findings and Conditions:

This was an approved planned unit development that does not meet the current standards for a planned unit development to a trade school that will offer housing to students and staff.

Therefore, the findings are as follows:

1. The change in the use will be of no greater adverse impact to the neighborhood.

Staff can find that the change from a Planned Unit Development to a trade school with limited housing for students and staff will not cause any greater adverse impact to the neighborhood than the previously zoned planned unit development. The subject property consists of a previous elementary school and gym, with appropriate parking for an elementary school. The trade school is confined to the gym and the housing for students and staff is in the remainder of the school area. Staff finds that this use will not cause increased traffic, and the parking is appropriate for school use. The proposed use is capable of existing together with the surrounding uses, which are residential, without discord or disharmony.

2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and

Staff can find that applicant has proposed limited changes in structure or physical improvements to the property, and that these changes will not result in a greater adverse impact to the neighborhood. The current structure is proposed to remain the same, with the gymnasium space remaining intact for trade school purposes. Applicant has not proposed changing any structural elements of the gymnasium. As mentioned above, traffic is appropriate for the existing space, and parking is appropriate for an educational facility.

3. Other provisions of this ordinance, such as property development standards, are met.

Staff can find that no structural or earth moving development is part of this request; therefore, additional review was not required.